

Federal Communications Commission

FCC 07-214

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

The Commercial Mobile Alert System

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PS Docket No.07-287

REPLY COMMENTS TO NOTICE OF PROPOSED RULEMAKING

Reply Comments of King County, Washington

King County, Washington
King County Courthouse
516 Third Avenue
Seattle, Washington 98104

SUMMARY OF COMMENTS

I. King County's Interest in this proceeding..... 3.

King County, Washington has a significant interest in this matter as a first responder, provider of emergency services, supplier of an emergency radio system, and participant in the Emergency Alert System.

II. Proposed Clarification of the Rules for the Commercial Mobile 3. Alert System.

The Commission's rules adopted under this proceeding should make clear that they do not alter or limit local and state government agencies' ability to provide timely alerts to the public nor to impact the content or timing of such alerts.

**A. The Commission should clarify that the Rules do alter or 3.
lessen local or state government agencies' authority to provide alerts to the public.**

**B. The Commission should clarify that the Rules do alter or 4.
lessen local or state government agencies' authority to provide alerts outside the Commercial Mobile Alert System (CMAS) in whatever form the agency determines would be most effective for the public.**

**C. The Commission should clarify that the Rules do require that ... 5.
local or state government agencies' need to delay issuing alerts until after the MSPs have done so.**

III. Conclusion 6.

Local and state alert systems should not be impacted by the CMAS Rules proposed in the Notice, except with regard to the CAP and the CMAS. We ask the Commission to clarify the Rules accordingly.

I. King County's Interest in this Proceeding.

King County, Washington has a significant interest in this matter as a first responder, provider of emergency services, supplier of an emergency radio system, and participant in the Emergency Alert System.

King County (County) ranks as the 13th most populous county in the nation with more than 1.8 million people. Located on Puget Sound in Washington State, and covering 2,134 square miles, King County is nearly twice as large as the average county in the United States.

The County employs a significant number of first responders and includes the community's Office of Emergency Management (OEM). OEM is part of the EAS and issues a variety of alerts.

In addition, the County's Radio Communications Services (RCS) section of OIRM is responsible for planning, constructing, operating and maintaining all radio communication systems for King County agencies (except Metro Transit). The largest system supported by RCS is the regional 800 MHz trunked radio system. The regional radio system is comprised of owners from the City of Seattle, Valley Communications Center, the East Side Public Safety Communications Agency and King County. Countywide this system consists of 27 transmitter sites, multiple interconnecting microwave and fiber systems, and multiple public safety dispatch centers. The system supports approximately 14,000 radio users in county and suburban agencies, including police, fire, Emergency Medical Services (EMS), general government functions, school districts, water and sewer districts, etc. RCS also provides radio and mobile data radio programming, radio template development and installation, and user training.

II. Proposed Clarification of the Rules for the Commercial Mobile Alert System.

The Commission's rules adopted under this proceeding should make clear that they do not alter or limit local and state government agencies' ability to provide timely alerts to the public nor to impact the content or timing of such alerts.

Currently a variety of local, state, and federal government agencies provide a range of alerts.¹ The proposed rules suggest, but are not clear, about the authority of local governments to continue to provide alerts as we do now. We ask the Commission to clarify that the Rules do not and are not intended to: a) modify or lessen any local or state government's right to issue its own alerts at any time it deems proper, and b) using any technology it deems most appropriate.

A. The Commission should clarify that the Rules do alter or lessen local or state government agencies' authority to provide alerts to the public.

¹ See, e.g., <http://www.mystateusa.com/alertSense.aspx> (listing 18 types of alerts)

The Notice discusses the possibility that a federal agency would act as an alert aggregator and that “all alerts, whether national or local, would be funneled through this aggregator.”² This Paragraph could be understood to mean that the Rules are intended to preempt local and state authority to issue alerts.

Local and state issued alerts should not be preempted. As the Notice recognizes, emergencies are geographically limited.³ Local and state officials are usually the first to learn of the emergency and the first to respond. Requiring these officials to send alert information to another agency that would then send it to the Mobile Service Provider (MSP) would only delay getting information to the public.

In addition, MSP participation is voluntary⁴ and may be changed over time. Thus, if the Rule is read to pre-empt local and state alerts it could result in a government agency discontinuing alerts only to face starting up again at a later time.

Therefore, we ask the Commission to clarify that the Rules do alter or lessen local or state government agencies’ authority to provide alerts to the public.

B. The Commission should clarify that the Rules do alter or lessen local or state government agencies’ authority to provide alerts outside the Commercial Mobile Alert System (CMAS) in whatever form the agency determines would be most effective for the public.

The Notice states that the WARN Act requires the Commission to set technical parameters for “alert initiators.”⁵ One of the proposed parameters is the Common Alert Protocol (CAP).⁶ We ask that the Commission make clear that these requirements are limited to use with the CMAS.

Local and state government agencies’ currently send alerts to a variety information distributors, including, but limited to the EAS. These relationships and the methodologies used are already in place. Forcing agencies to use CAP could disrupt a system already working well.

In addition, technology standards that work well with one set of distribution technologies may not work well with other technologies. For example, King County’s largest Cable Television Franchise gives the County the authority to override the cable television in emergencies,

² Notice of Proposed Rulemaking *In the Matter of The Commercial Mobile Alert System*, PS Docket No.07-287, FCC 07-214 (Notice), par. 13.

³ See Notice at par. 21-22.

⁴ See, e.g., Notice at par. 6.

⁵ Notice at par. 6.

⁶ Notice at par. 12.

subject to certain conditions.⁷ The Franchisee leaves it to the parties to agree on how to implement this override. More importantly, there is no evidence in the record that CAP is the best technology for use with a cable system, that cable system operators want to use CAP, or even that CAP-compliant systems are available for cable systems.

Therefore, we ask the Commission to clarify that the Rules allow local or state government agencies providing alerts outside the Commercial Mobile Alert System (CMAS) to do so in whatever form and using whatever technology each agency determines would be most effective for the public, the information distributor and itself.

C. The Commission should clarify that the Rules do require that local or state government agencies' need to delay issuing alerts until after the MSPs have done so.

One of the tasks proposed for the Aggregator is to "authenticate alerts." If adopted, such a provision could be read to require local or state officials to delay sending out their alerts until the Aggregator has first determined that the alert is authentic. The word "authenticate" could have at least two meanings: to determine whether the message came from "authorized alert initiators"⁸ or whether the content of the message is accurate.

The Notice seems to define authenticating as determining whether the message came from "authorized alert initiators."⁹ Determining whether a message came from where it says it came from remains challenging, especially if the sender wants to disguise its identity.¹⁰ Thus, sending out an alert can be delayed while authentication occurs. Making local or state officials, who are likely to be the first responders, wait to send out alerts until the Aggregator has determined whether something is authorized could lead to unneeded delay in getting alerts out to the public.

If, the Notice is proposing that the Aggregator determine whether the content of the message is accurate, this is even more problematic: doing so would require the Aggregator to contact the first responder reacting to the emergency in many instances. This could delay the sending of the alert and interrupt the first responder's work.

Therefore, we ask the Commission to clarify that the Rules do not require local or state government agencies to delay issuing alerts until after the Aggregator has authenticated any proposed alert.

⁷ KC Franchise 12132.

⁸ Notice at par. 12.

⁹ Notice at par. 12.

¹⁰ E.g., *The Business of Authentication*, AuthenticationWorld.com, <http://www.authenticationworld.com/>

III. Conclusion

Local and state alert systems should not be impacted by the CMAS Rules proposed in the Notice, except with regard to the CAP and the CMAS. We ask the Commission to clarify the Rules accordingly.

King County, Washington and many other local and state agencies are involved in responding to emergencies. As part of its public service they are already effectively providing alerts both directly to the public and indirectly to the EAS and other bodies that provide them to the public. The proposed Commercial Mobile Alert System is voluntary and limited to a subset of devices. There is no reason the CMAS Rules should be allowed to interfere with the local and state alert systems, and we ask the Commission to clarify the Rules accordingly.

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Date: 20 February 2008

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Date: 20 February 2008